



Department of Economic Development

Isle of Man Ship Registry

Consultation Paper:

Proposed Implementation of the Anti-fouling Systems Convention

This consultation paper sets out the Isle of Man Government's proposals to implement and make new regulations to give effect to the International Maritime Organization's International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention). The Isle of Man intends for the regulations giving effect to the AFS Convention to come into effect in March 2014 and the UK will be requested to extend this convention to the Island at this time.

Please examine the proposed implementation of the AFS Convention as detailed in this consultation paper and if you have any comments please send them (preferably by email) to -

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This consultation will close at 5.00pm on 28 October 2013

A summary of the responses received to the consultation will be made available to the public via the Isle of Man Ship Registry website (www.iomshipregistry.com) within 3 months of the closing of the consultation.

1. What does the AFS Convention achieve?

Anti-fouling Systems are used to keep the hulls of ships clean and free from fouling organisms to enable them to travel faster through the water and consume less fuel. Scientific studies have shown that some of the most active ingredients used in widespread anti-fouling systems are organotin compounds. Organotin compounds have been scientifically proven to have a chronic impact on ecologically and economically important marine organisms and human health may be harmed as a result of the consumption of affected seafood.

In recognising the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems the International Maritime Organisation (IMO) adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships in 2001.

2. Isle of Man Implementation of AFS

The Isle of Man (IOM) intends to adopt the AFS Convention as part of our commitment to operating a high quality international Ship Registry providing an international framework in compliance with the applicable international maritime conventions established by IMO. Implementing the convention will also reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems on IOM registered vessels and foreign registered vessels visiting IOM ports.

As the AFS Convention was adopted in 2001 and came into force internationally on 17 September 2008, all IOM registered merchant ships and commercial yachts should already comply with the requirements of the AFS Convention in order to make international voyages. Therefore, the main impact of the IOM adopting the Convention is that vessels of 400gt and over will be required to replace their AFS Statement of Compliance with an International AFS Certificate.

3. Application

The Isle of Man AFS regulations will apply to -

- a. all Isle of Man registered ships, including fixed or floating platforms, Floating Storage Units (FSUs) and Floating Production Storage and Off Loading Units (FPSOs);
- b. foreign registered ships visiting Isle of Man ports; and
- c. fixed or floating platforms engaged in the exploration and exploiting of the seabed and subsoil in Isle of Man territorial water.

The IOM regulations will not apply to warships, naval auxiliary or other ships owned or operated by a State and used only on government non-commercial services.

For ships of less than 24 metres in length there is no formal survey or certification regime. These are mainly recreational craft and fishing vessels and after consultation with local suppliers the anti-fouling system products available on the IOM are fully IMO AFS Convention compliant. This is because an EU Directive (Council Directive 76/769 EEC) has prohibited the market and use of organostannic compounds in anti-fouling systems for all ships, irrespective of their size since 1 January 2003. Local suppliers on

the IOM source anti-fouling systems products from the UK and can therefore only purchase and sell IMO AFS Convention compliant products.

4. Controls on Anti-fouling Systems and Effective Dates

Ship operators (see definition in Section 8) will have a duty to ensure that if any ships they operate have an anti-fouling system it must meet the criteria set out in the table below. The ships will have to be maintained to a standard to ensure continued compliance with the requirements.

Anti-fouling system	Control measures	Application
Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or re-apply such compounds	All IOM Registered ships / All ships in IOM ports
Organotin compounds which act as biocides in anti-fouling systems	Ships either: 1. shall not bear such compounds on their hulls or external parts or surfaces; or 2. shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems	All ships (for fixed and floating platforms, FSUs, and FPSOs see Section 12)

5. Survey Requirements - Ships of 400gt and over

Ships of 400gt and over operating on international voyages (excluding fixed or floating platforms, FSUs and FPSOs) must be surveyed as follows –

- a. An initial survey before the ship is put into service or when the ship is for the first time in dry dock for the application of an anti-fouling system; and
- b. A survey when the anti-fouling system is changed or replaced, undertaken to enable the endorsement of the Certificate.

Repairs do not generally require a survey. However, repairs affecting approximately 25% or more of the anti-fouling system are considered by the IOM to be a change or replacement of the anti-fouling system. An anti-fouling system that undergoes repair must be repaired or replaced with an IMO compliant anti-fouling system.

6. Survey & Certification Arrangements

The survey and certification of the anti-fouling systems for vessels of 400gt and over has been delegated to the following IOM recognised Classification Societies-

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- Det Norske Veritas (DNV)
- Germanischer Lloyd (GL)
- Lloyd's Register (LR)
- Nippon Kaiji Kyokai (Class-NK)
- Registro Italiano Navale (RINA)

7. Documentation Requirements - Ships of 24 metres or more in length but less than 400gt

Ships of 24 metres or more in length but less than 400gt (excluding fixed or floating platforms, FSUs and FPSOs) are not required to be surveyed but will be required to carry a Declaration on Anti-fouling system signed by the owner or authorized agent. The Declaration must be accompanied by appropriate documentation supporting the fact that the anti-fouling system is compliant with the AFS Convention for example, a paint receipt, contractor invoice, or contain an appropriate endorsement.

8. Ship Operator's responsibility

It will be the responsibility of the operator to ensure ships comply with the requirements of the IOM regulations implementing the AFS Convention. An operator who fails to comply with the regulations will therefore commit an offence and will be liable on summary conviction to a fine not exceeding £5,000 or, on conviction on indictment, to imprisonment for a term not exceeding 2 years and a fine (unlimited).

"Operator" in relation to a ship means the owner or any other organisation or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner;

9. Enforcement

In addition to the offences in paragraph 8, a ship which fails to comply with the AFS regulations may be detained and/or have their AFS Certification withdrawn until any deficiencies raised have been rectified.

In order to verify a ship complies with the AFS Convention during International Safety Management inspections or Large Commercial Yacht Code Compliance inspections the IOM surveyor will check the International AFS Certification or Declaration on AFS (whichever is applicable) to ensure the ship complies with the convention.

10. Changing an 'AFS Statement of Compliance' to an 'International AFS Certificate'

IOM registered ships that fall into the survey and certification regime will have been issued with an AFS Statement of Compliance from their Classification Society. An AFS Statement of Compliance that has been issued to an IOM registered ship can be replaced with an International AFS Certificate once the AFS Convention has been extended to the Isle of Man. Once the AFS Convention has been extended to the Isle of Man we will advise operators of IOM registered vessels and the Classification Societies listed in paragraph 6 (above) who will arrange for International AFS certificates to be issued to the ships concerned. This should be carried out within 6 months of the Convention being extended to the IOM.

11. Ships with no Anti-fouling Systems

Ships which trade internationally and fall into the survey and certification regime will be expected to carry either an AFS Certificate or a Declaration of AFS. On the Certificate or Declaration, the part headed 'Details of anti-fouling system(s) applied' or 'Type(s) of anti-fouling system(s) used' should be filled out stating the ship does not have an AFS system.

12. Fixed or Floating Platforms, FSUs or FPSOs

The AFS Convention applies to any fixed or floating platform, FSU or FPSO. They are therefore prohibited from having organotin compounds applied and from bearing such compounds. However the survey and certification regime does not apply to fixed or floating platforms, FSU or FPSO.

For the purpose of complying with the AFS Convention the following applies –

- a. Fixed or floating platforms, FSUs and FPSOs constructed on or after **01/01/2003** must not bear organotin compounds at all, or if they do they must have a barrier coating to prevent the compounds leaching from the underlying non-compliant anti-fouling system.
- b. Fixed or floating platforms, FSUs and FPSOs constructed before **01/01/2003** and which have been in dry dock on or after **01/01/2003** must not bear organotin compounds at all, or if they do they must have a barrier coating to prevent the compounds leaching from the underlying noncompliant anti-fouling systems.
- c. Fixed or floating platforms, FSUs and FPSOs constructed before **01/01/2003** which have not been in dry dock since **01/01/2003**, the bans on application or bearing of organotin compounds will not be applicable, however as soon as they go into dry-dock paragraph 12b (above) applies.

All fixed or floating platforms, FSUs and FPSOs should have some form of documentary evidence readily available on board to demonstrate compliance.

13. Port State Control - Inspection and Detention

A foreign ship in an IOM port may be inspected in accordance with IMO Resolution MEPC.208(62) for the purpose of determining whether the ship is in compliance with the AFS Convention. Unless there are clear grounds for believing that a ship is in violation of this convention, any such inspection shall be limited to -

- a. verifying that, where required, there is onboard a valid International AFS Certificate or a Declaration on AFS; and/or
- b. a brief sampling of the anti-fouling system that does not affect the integrity, structure or operation of the anti-fouling system. However if this is required the IOM will request the ship's operator to arrange for a sample to be taken, which will be witnessed by an IOM or Classification Society surveyor. The sample will be analysed by an accredited laboratory or facility and the results will be presented back to the surveyor. The time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship.

If the ship is detected to be in violation of the AFS Convention, the IOM Ship Registry may take steps to warn, detain, dismiss, or exclude the ship from an IOM port. The Ship Registry shall also inform the Administration of the ship concerned that the ship does not comply with the convention and give details of any further action taken.